

REMARKS

Claims 12-25 remain pending. Independent claims 12, 24 and 25 were amended slightly to more succinctly claim the invention. More particularly, all claims now require the plug to have a lubricious surface at one end for which support can be found at page 27, line 19 – page 28, line 3 of the specification. Reconsideration is respectfully requested.

Claims 12-14, 16, 22, 21 and 25 were rejected under 35 U.S.C. §102(e) as anticipated by McKay (USPN 6,398,811). More particularly, the Examiner asserts that the reference discloses a cartilage plug made from **artificial** biomedical material. Applicants respectfully traverse. The cited reference is clearly directed to a bone spacer made from **natural** bone material (col. 4, lines 40-54). Anticipation is therefore clearly precluded. Moreover, in view of the fact that the cited reference is concerned with the fixation of two vertebrae relative one another, there is no motivation to impart a lubricious property to one end of a bone spacer. It is therefore respectfully submitted that the present invention provides a solution to a problem that is not addressed by the cited reference and that obviousness is therefore effectively avoided.

Claims 12, 13, 15, 20-22, 24 and 25 were rejected under 35 U.S.C. §102(e) as anticipated by Anderson et al (USPN 6,458,158). More particularly, the Examiner asserts that the reference discloses a cartilage plug made from **artificial** biomedical material. Applicants respectfully traverse. The reference is in fact directed to a bone graft made from **natural** bone material (col. 16, lines 33-46). Anticipation is therefore again precluded. Moreover, in view of the fact that the cited reference is concerned with the repair of bone defects, there is no motivation to impart a lubricious property to one end of a such a graft. It is therefore respectfully submitted that the present invention provides a solution to a problem that is not addressed by the cited reference and that obviousness is therefore effectively avoided.

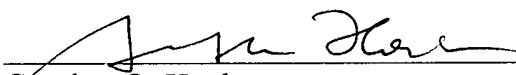
Claims 12, 13, 15, 17-19, 22 and 23 were rejected under 35 U.S.C. §102(e) as anticipated by Chan (USPN 6,299,642). More particularly, the Examiner asserts that the reference discloses a **cartilage** plug. Applicants respectfully traverse. The reference is in fact directed to a **bone** cement plug for use in anchoring a prosthetic device such as artificial joint. Anticipation is therefore clearly avoided. Moreover, in view of the fact that the cited reference is concerned with the anchoring of prosthetic devices, there is no motivation to impart a lubricious property to one end of such a plug apparatus. It is therefore respectfully submitted that the present invention provides a solution to a problem that is not addressed by the cited reference and that obviousness is therefore effectively avoided.

In light of the above amendments and remarks, applicants earnestly believe the application to now be in condition for allowance and respectfully request that it be passed to issue.

Please charge additional fees to our Deposit Account No. 21-0800.

Respectfully submitted,

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